

1 Scott Edward Cole, Esq. (S.B. #160744)
2 Matthew R. Bainer, Esq. (S.B. #220972)
2 **SCOTT COLE & ASSOCIATES, APC**
3 1970 Broadway, Ninth Floor
3 Oakland, California 94612
4 Telephone: (510) 891-9800
4 Facsimile: (510) 891-7030
5 web: www.scalaw.com
6
7 Attorneys for Representative Plaintiff
6 and the Plaintiff Class

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8 **UNITED STATES DISTRICT COURT**
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9 **NORTHERN DISTRICT OF CALIFORNIA**

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11 TIMOTHY P. RUMBERGER,) **Case No.: C 05-04050 JSW**
12 individually, and on behalf of all others)
12 similarly situated,) **CLASS ACTION**
13 Plaintiffs,)
14 vs.)
15 SPRINT COMMUNICATIONS) **[PROPOSED] ORDER AWARDING**
15 COMPANY L.P.,) **ATTORNEYS' FEES AND COSTS TO**
16 Defendants.) **CLASS COUNSEL AND ENHANCEMENT**
17) **AWARD TO REPRESENTATIVE**
17) **PLAINTIFF**
18) Date: January 25, 2008
18) Time: 9:00 a.m.
18) Courtroom: 2
18) Judge: Hon. Jeffrey S. White

19 This matter is before the Court on Class Counsel's application for an award of attorneys' fees
20 and costs, due notice of which was given to the Class Members.

21 Based upon the Court's observation and assessment of the performance of Class Counsel
22 throughout this litigation, oral argument, all papers filed with the Court, and the resulting settlement
23 recovery, and good cause appearing therefore,

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25 **IT IS HEREBY ORDERED ADJUDGED AND DECREED:**

26 An award of attorneys' fees of \$45,000.00 plus costs in the amount of \$4,598.17 is hereby
27 approved and awarded to Class Counsel. Such award shall be paid from the \$175,000.00 settlement
28 fund created by the Settlement Agreement and shall be paid no later than the first business day

1 following 30 days after Final Approval as outlined in the Order Preliminarily Approving the
2 Settlement.

3 The Court finds that the amount of this award is based on application of both the percentage
4 fee and the lodestar-plus-multiplier methods for awarding reasonable attorneys' fees and costs. Both
5 methods are available to the Court, both produce the same result and the Court relies on each method
6 as an independent basis for its determination of a reasonable award of attorneys' fees and costs.

7 The award of \$45,000.00 is roughly 25% of the total value of the common benefit created
8 for the Class. In setting this award of attorneys' fees and costs, the Court has considered that fee
9 awards equal to 33 1/3% of the common fund are generally held to be reasonable. *See, e.g., Six (6)*
10 *Mexican Workers v. Arizona Citrus Growers*, 904 F.2d 1301,1311 (9th Cir. 1990). The attorneys'
11 fees award is also independently based on the lodestar-plus-multiplier method for determining a
12 reasonable award of attorneys' fees.

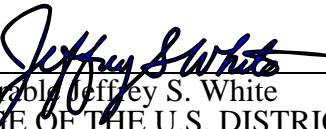
13 The costs of \$4,598.17 (\$4,298.17 of which has already been incurred and an estimated
14 \$300.00 which will be incurred in the process of distribution oversight for items such as telephone,
15 postage and photocopy charges), as set forth by Class Counsel, are responsible and were and/or will
16 be incurred in benefit to the Class. The types of costs Class Counsel reported are appropriate for
17 reimbursement.

18 The balance of the \$175,000.00 Settlement Fund, after the payments to Class Counsel set
19 forth in this order, shall be paid to the members of the Class in accordance with the terms of the
20 Settlement Agreement.

21 **IT IS FURTHER ORDERED THAT:** Defendant shall tender \$1,000.00
22 Plaintiff as an enhancement award in recognition of services provided as a suitable representative
23 for the Class no later than the first business day following 30 days after Final Approval pursuant to
24 this Court's Preliminary Approval Order.

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1 **IT IS SO ORDERED**, this 25 day of January 2008.

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3 Honorable Jeffrey S. White
4 JUDGE OF THE U.S. DISTRICT COURT

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SCOTT COLE & ASSOCIATES, APC
ATTORNEYS AT LAW
THE WORLD SAVINGS TOWER
1970 BROADWAY, NINTH FLOOR
OAKLAND, CA 94612
TEL: (510) 891-9800